

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **20.03.2006**

Applicant's or agent's file reference
P041852P0744

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2006/301665

International filing date (day/month/year)
01.02.2006

Priority date (day/month/year)
01.02.2005

International Patent Classification (IPC) or both national classification and IPC
G11B20/10, H04S5/02

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed
 - ☐ filed together with the international application in electronic form
 - ☐ furnished subsequently to this Authority for the purposes of search
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	2, 3	YES
	Claims	1, 4-8	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO
2. Citations and explanations:			
<p>Document 1: JP 11-031362 A (Samsung Electronics Co., Ltd.), 2 February 1999, paragraphs [0029] to [0043] and [0067]; fig. 7, 8 and 12 & EP 0883125 A2</p> <p>Document 2: JP 2000-011546 A (Toshiba Corp.), 14 January 2000, paragraphs [0032], [0089] to [0092], [0144], [0145] and [0168] to [0170]; fig. 4 and 30 & EP 0967603 A2</p> <p>Document 3: JP 6-338061 A (Mitsubishi Electric Corp.), 6 December 1994, paragraphs [0042] to [0044]; fig. 6 (Family: none)</p> <p>Document 4: JP 10-083623 A (Sony Corp.), 31 March 1998, paragraphs [0081], [0082] and [0086]; fig. 11 & US 6038369 A</p> <p>Document 5: JP 11-185389 A (Toshiba Corp.), 9 July 1999, paragraphs [0052] to [0054]; fig. 13 (Family: none)</p> <p>Document 6: JP 2001-086143 A (Sony Corp.), 30 March 2001, paragraphs [0172] to [0188]; fig. 9 and 10 & US 2004/0221069 A1</p> <p>Document 7: JP 2002-520760 A (Dolby Laboratories Licensing Corp.), 9 July 2002, paragraphs [0032] to [0035] and [0058] to [0062]; fig.</p>			

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2 and 5 & WO 2000/002357 A1

Document 8: JP 7-296519 A (Sony Corp.), 10 November 1995,
paragraphs [0107], [0108] and [0117]; fig.
32 (Family: none)

The inventions set forth in claims 1, 7 and 8 do not
involve an inventive step in the light of documents 1 to
5.

Document 1 sets forth a feature wherein in addition
to basic audio data (corresponding to basic data), number
of quantification bits of basic audio data, frequency
bandwidth, and extended audio data which extends the
number of channels (corresponding to extension data) are
recorded, and an extended audio coding mode can be set to
extended audio data.

Document 2 sets forth a feature wherein frames of an
audio stream are provided with a main sample
(corresponding to basic data) and an extra sample
(corresponding to extended data), and a channel
assignment (corresponding to channel properties) which
means that surround exists in an audio stream is
recognized, a decode system is determined, and decoding
is carrying out, and it would be easy for a person
skilled in the art to employ this feature in the
invention set forth in document 1.

Documents 3 and 4 set forth the known feature that
when playing back a recording medium onto which normal
quality audio data and high quality audio data are
recorded, if it is possible to decode high quality audio
data, high quality audio data is played back, and if it
is impossible to decode high quality audio data, then
normal quality audio data is played back, and it would be

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easy for a person skilled in the art to employ this feature in the invention set forth in document 1, and detect whether the processing capacity for extended audio data is present on one's own device and carry out playback control accordingly.

Document 5 sets forth a feature wherein an audio stream employing a combination of languages, number of channels and encoding system desired by the user is automatically selected from a plurality of audio streams and played back, and it would be easy for a person skilled in the art to employ this feature in the invention set forth in document 1.

The invention set forth in claim 4 does not involve an inventive step in the light of documents 1 to 6 cited in the international search report.

Document 6 sets forth a feature wherein even if digital content which cannot be decoded by one's own machine is supplied, the presence on a network of a device which can decode the content is recognized, and a judgment is made as to whether decoding is possible. It would be easy for a person skilled in the art to employ this feature to the extended audio data set forth in document 1.

The invention set forth in claim 5 does not involve an inventive step in the light of documents 1 to 5 and 7 cited in the international search report.

Document 7 sets forth an MLP encoded DVD on which a substream which can be played back on a two-channel decoder, and an additional sub-stream which is used by a more advanced decoder are recorded, wherein when

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transferring an audio stream which has been read off from a fixed transfer rate, whether or not the track can be transferred is determined from peak transfer rate information for the data, and it would be easy for a person skilled in the art to employ this feature in the invention set forth in document 1.

The invention set forth in claim 6 does not involve an inventive step in the light of documents 1 to 5 and 8 cited in the international search report.

Document 8 sets forth a feature wherein the connection status of the speakers (corresponding to judging whether a speaker supports surround sound) is verified, and stereo signal output and multi-channel signal output are switched between automatically, and it would be easy for a person skilled in the art to employ this feature in the invention set forth in document 1.

The invention set forth in claims 2 and 3 is not disclosed in any of the documents cited in the international search report, and would not be obvious to a person skilled in the art.